IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 27213 of 2006(M)

PETITIONER:

M. SATHEEDEVI,
MANGALATHU HOUSE, VALAMBILIMANGALAM P.O.,
SREEKRISHNAPURAM (VIA), OTTAPPALAM, PALAKKAD.

BY ADV. SRI.B.SURESH KUMAR

RESPONDENTS:

1. THE KERALA STATE FINANCIAL ENTERPRISES LTD. (KSFE), REPRESENTED BY ITS MANAGING DIRECTOR, THRISSUR.

2. THE SPECIAL DEPUTY TAHSILDAR (R.R), NO.VIII, KERALA STATE FINANCIAL ENTERPRISES LTD., PALAKKAD.

3. THE VILLAGE OFFICER, VELLINEZHI.

4. THE VILLAGE OFFICER, SREEKRISHNAPURAM.

5. M. SASIKUMAR, MANGALATHU HOUSE, VALAMBILIMANGALAM P.O., SREEKRISHNAPURAM (VIA), OTTAPPALAM, PALAKKAD.

R3 & R4 BY GOVT.PLADER SMT. D.P.RENU
R1 & R2 BY ADV. SRI.RAJU JOSEPH, ADDL.SC.,KSFE LTD.
R5 BY ADV.SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON I.A.NO.17385/2006 IN W.P.(C).NO.27213/2006

DISMISSED

9/1/2007 Sd/- P.R.RAMAN, JUDGE.

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE JUDGMENT DTD. 11/11/2003 IN W.P. (C).NO.35447/2003 PASSED BY THIS COURT.

EXT.P2 TRUE COPY OF THE NOTICE DTD. 25/7/2006 ISSUED BY THE 2ND RESPONDENT.

EXT.P3 TRUE COPY OF THE NOTICE DTD. 25/7/2006 ISSUED BY THE 2ND RESPONDENT.

RESPONDENTS' EXTS:

ANNEXURER1(1) TRUE COPY OF THE AUCTION PROCEEDINGS.

P.R.RAMAN,J.

W.P.(C).NO.27213 OF 2006

Dated this the 9th day of January, 2007

JUDGMENT

The prayer made in this writ petition is to quash the sale of property of an extent of 51 cents in Survey No.122/8 & 122/11 of Krishnapuram Village purchased by the 5th respondent, who is none other than the brother of the petitioner. Petitioner is a chronic defaulter of the repayment of the loan availed from the Kerala State Financial Enterprises. On an earlier occasion W.P.(C). No.35447/2003 was filed which itself evidenced the fact that the petitioner had filed yet another O.P.No.4989/2001 and orders passed in favour of the petitioner were not complied with. Even in paragraph 3 of the judgment in W.P.(C).No.35447/03 the learned

Judge observed that the petitioner has not complied with the directions issued by this Court in the earlier judgment and this Court gave one more opportunity to the petitioner directing her to pay the balance amount demanded in Exts.P2 and P3 referred to in the said original petition in two equal monthly instalments. Petitioner did not avail the benefit of the order and repay the amount as directed. In the circumstances, the K.S.F.E. proceeded to sell the property under the revenue recovery action and finally the property was also sold in public auction, bid by the 5th respondent and paid the entire amount. Even though the learned counsel for the petitioner made yet another attempt to save the petitioner by making a plea that the petitioner will be able to sell the property

by private sale, which may enable the petitioner to get more amounts than the auction amount, the conduct of the petitioner as revealed by various proceedings as above, does not inspire confidence. The petitioner had ample opportunity to find out a suitable buyer and to raise funds and to repay the amounts. W.P.(C).No.35447/2003 was earlier filed by the petitioner and orders were passed in her favour. In such circumstances, there is no justification to set aside the sale nor any legal ground made out. However, graciously the 5th respondent-brother has agreed to make a further payment of Rs.10,000/- (Rupees ten thousand) to the petitioner. The same is recorded. The said amount shall be paid within one month. An amount of Rs.1,864/- is stated to be the balance amount refundable to the

petitioner by the K.S.F.E. The same shall also be paid to the petitioner within three weeks.

Writ Petition is dismissed subject to the above observation.

P.R.RAMAN,
Judge.

kcv.